

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GLENN LEROY SAUNDERS,

Plaintiff,

vs

9:06-CV-857

CHRIS AARUCHIO, Mental health Nurse,
Cayuga County Jail,

Defendant.

APPEARANCES:

OF COUNSEL:

GLENN LEROY SAUNDERS
Plaintiff, Pro Se
V-127 Oak Creek
Auburn, NY 13021

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Department of Law
247 W. Fayette Street
Syracuse, NY 13202

JOSEPH W. SAVAGE, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Glenn Leroy Saunders, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated August 22, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that defendant's motion to dismiss be denied. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge DiBianco, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

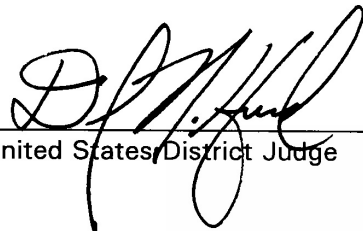
ORDERED that

1. Defendant's motion to dismiss is DENIED; and

2. Defendant shall file and serve an answer to the complaint on or before October 25, 2007.

IT IS SO ORDERED.

Dated: October 10, 2007
Utica, New York.


United States District Judge